REMARKS

Claims 1 and 3-5 stand rejected under 35 U.S.C. 102(b) as being anticipated by Takase et al. (U.S. 5,042,027). Applicants respectfully traverse this rejection because the cited reference does not disclose (or suggest) a transmission unit configured to transmit reply information when a connection between a data communication device and an external communication device has been abnormally cut off, as in claim 1 of the present invention, as amended.

The Examiner asserts that the node interface 1610 and the line terminator 331a of Takase correspond to the transmission unit and connection monitoring unit of claim 1 of the present invention. Even if this asserted interpretation were correct though (which Applicants do not concede), these elements from Takase still do not show all of the claimed features and limitations of claim 1.

The transmission unit of the present invention is not claimed to merely transmit reply information from memory to the external communication device. In fact, claim 1 specifically features that the transmission unit of the present invention is configured to transmit such reply information (corresponding to the connection) when the transmission unit determines that the connection has been abnormally cut off. Claim 1 further recites that this determination is based on a result of the monitoring by the connection monitoring unit. Takase fails to teach or suggest these features of the present invention.

For example, the portion of text of Takase cited by the Examiner as being analogous to the transmission unit of the present invention (col. 10, lines 8-25) does not teach

or suggest anything relating to the abnormal cut off of a connection between units or devices of Takase's system. The present invention, on the other hand, is specifically drawn to a data communication device that can address the problems relating to an abnormal cut off of a connection, namely, the additional communication load resulting from client rollbacks to the server. Takase teaches nothing of the specific claim features which are recited to address these specific problems. Accordingly, for at least these reasons, the Section 102 rejection of independent claim 1 based on Takase is respectfully traversed.

In the interests of expediting prosecution, independent claim 1 has been amended to place the claim in better grammatical form, and to better clarify the specific features of the present invention discussed above. Dependent claims 2 and 3 have been amended for consistency with independent claim 1, as have independent claims 4 and 5, which recite similar features to those of claim 1 discussed above. Accordingly, Applicants respectfully traverse the rejection of claim 3 based on Takase for at least the reasons discussed above, since claim 3 depends from independent claim 1, and therefore includes all of the features of the base claim, plus additional features. The rejection of independent claims 4 and 5 is respectfully traversed because these two claims recite similar subject matter to the features discussed above that are distinct from Takase.

Applicants further traverse the Section 102 rejection of claim 3 specifically, because Takase fails to teach (or suggest) that any identification information is included in the reply information. Applicants note that the Examiner has not specifically cited to any portion of Takase that actually teaches such identification information itself. The Examiner

merely asserts, on page 3 of the outstanding Office Action, that "all requests *inherently* contain information regarding the requester or at least the beneficiary of the request." (Emphasis added). Whether or not this statement is correct, however, it is irrelevant to claim 3 of the present invention. Claim 3, as now more clearly amended, specifically features that the identification information is included as part of the reply information, and the Examiner has not asserted that such reply information must inherently contain identification information as well. Applicants submit that such reply information does not inherently contain identification information. Such features are unique to the present invention. Accordingly, for at least these additional reasons, the rejection of claim 3 is further traversed.

Claim 2 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Takase in view of Smith (U.S. 5,835,724). Applicants respectfully traverse this rejection for at least the reasons discussed above in traversing the rejection of independent claim 1 based on Takase only. Claim 2 depends from independent claim 1. Applicants further traverse this rejection because neither of the cited references, whether taken alone or in combination, teach or suggest the transmission of reply information when a connection has been abnormally cut off, or the destruction of the reply information when the reply information destruction unit determines that the connection has been normally released.

As discussed above, Takase fails to even address the problems associated with the abnormal cut off of a connection, and therefore also fails to make the distinction for when a connection has alternately been normally released. The portion of text cited from Smith (col. 8, lines 49-63) only teaches to delete session data for a current state whenever a client

progresses backwards from that current state to enter an ancestor of the current state. (See col. 8, lines 53-57). Smith does not teach or suggest anything regarding the abnormal cut off, or the normal release, of a connection relating to reply information, as in claim 2 of the present invention. A *prima facie* case of obviousness has therefore not been established against claim 2.

Section 2143.03 of the MPEP requires, to establish *prima facie* case of obviousness against a claimed invention, that each and every feature and limitation of the claimed invention must be taught or suggested somewhere within the prior art itself. In the present case, however, this requirement has not been satisfied. As discussed above, neither of the two cited references teaches or suggests at least the features of the present invention relating to the abnormal cut off, or the normal release, of the recited connection of the present invention. Accordingly, the obviousness rejection based only on these two references should be withdrawn.

Additionally, even if a *prima facie* case of obviousness could be established against the present invention based on these two cited references, Applicants submit that such a rejection has also been sufficiently overcome by way of rebuttal. As discussed above, the present invention is drawn to a system to reduce communication mode at a time when an abnormality occurs in a communication. Neither Takase nor Smith, however, even address this specific problem. The problems faced and solved by the present inventors should be considered by the Examiner in determining the appropriateness of maintaining an obviousness rejection. In the present case in particular, at least this particular problem faced

and solved by the present inventors, but not in the prior art, demonstrates why an obviousness rejection based on these two references is inappropriate.

A device or system according to the claims of the present invention has the advantage of being capable to transmit reply information from a server to a client when a connection has been abnormally cut off. The reply information may include a request identifier, so that a request which had been being processed when the connection was cut off can be readily identified based on the request identifier. All processes associated with the abnormal cut off can then also be accurately executed as well. Neither Smith nor Takase could readily accomplish such advantageous results.

Furthermore, according to such conventional systems, such as those taught by Takase and Smith, when a request from a client fails to reach the client, the client is required to send a rollback to the server. When such connections are cut off, in addition to the required rollback, all processes including the transmission of both the same request and the same reply must be repeated or reattempted. According to the present invention, however, even when there is such a connection cutoff, the reply information can be advantageously transmitted automatically to the client based on the result of the monitoring by the connection monitoring unit. According to these advantageous features of the present invention therefore, it could not be obvious to combine Takase with Smith to reach such results, and the obviousness rejection based on these two references should further be withdrawn for at least these additional reasons.

For all of the foregoing reasons, Applicants submit that this Application, including claims 1-5, is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,

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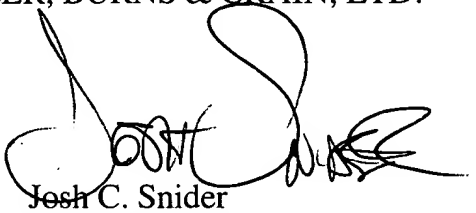
By 
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October 22, 2004

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